

CHAPTER 9

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CHAPTER 9

UTILITIES

ARTICLE 1. GENERAL PROVISIONS.¹

Sec. 9-1 Authority to Establish Water Service.²

The City may regulate the furnishing of water to the public. It may also establish, maintain, and operate a waterworks system.

Sec. 9-2 Authority to Establish Sewage System.³

The City may erect, maintain, and operate a sewage works plant for the collection, treatment, and disposal of sewage.

Sec. 9-3 thru 9-4 are Reserved for Future Use.

ARTICLE 2. WASTEWATER AND SEWAGE - IN GENERAL.

Sec. 9-5 Purpose and Policy.

(a) This Chapter sets forth uniform requirements for discharges into the City of Greenwood wastewater or sewage collection and treatment systems, and enables the City of Greenwood to protect public health and comply with all applicable local, state and federal laws relating thereto and the City's contractual obligation with the City of Indianapolis and its obligation to the Federal Government.

(b) The objectives of this Chapter are:⁴

(1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(2) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the City Wastewater System, and which will pass through the system into receiving waters or the atmosphere;

¹ I.C., 36-9-2-15, authorizes a City to furnish or regulate the furnishing of utility services to the public.

² I.C., 36-9-2-14, authorizes the furnishing of water by a City to the public.

³ I.C., 36-9-6-11, addresses the right to operate a sewage plant.

⁴ I.C., 36-9-2-16, sets forth the power to regulate waste disposal.

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.⁵

(c) This Chapter provides for the regulation of discharges into the City wastewater system through the issuance of industrial discharge and building permits, the execution of special agreements, and the enforcement of administrative regulations.

(d) In furtherance of these objectives, this Chapter details the general regulation of discharges to public sewers; regulations for private disposal facilities; the issuance of connection permits for building sewers; the issuance of discharge permits for industrial users of the system; and the establishment of a system of rates, charges, and billings for the use of the system. (Ord. No. 92-6, § 17-1, 3-2-92).

Sec. 9-6 through 9-7 Reserved for Future Use.

⁵ I.C., 36-9-2-17, sets forth the power to operate a waste disposal system.

ARTICLE 3. SEWERS AND SEWAGE DISPOSAL.**Division I. Generally.****Sec. 9-8 Definitions.**

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section unless the context specifically indicates otherwise:

ASTM shall mean the American Society for Testing and Materials.

ACCIDENTAL DISCHARGE shall mean an unintentional release of a material that could potentially violate the requirements of Sections 9-10 (c), (d) or (e).

ACT shall mean the Federal Water Pollution Control Act, as amended, 33 *USC* 1251 *et seq.*, also known as the Clean Water Act (CWA).

ADMINISTRATOR shall mean the regional administrator of Region V, U.S. Environmental Protection Agency or Commissioner in an NPDES state with an approved State pretreatment program.

APPLICABLE PRETREATMENT STANDARD shall mean, for any specified pollutant, City prohibitive discharge standards, City's specific limitations on discharge, the State of Indiana Pretreatment Standards, or the Federal Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

APPROVAL AUTHORITY shall mean the Administrator.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER shall be:

(1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:

(a) A president, vice president, treasurer, or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or

(b) A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to said manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

- (3) An individual duly authorized by the person designated in (1) or (2) above, provided:
- (a) The authorization is made in writing by the individual described in Subsection (1) or (2) above;
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the City.

BOARD shall mean the Board of Public Works and Safety.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act which applies to a specific category of industrial user.

CITY shall mean the City of Greenwood, Indiana.

CITY SEWER shall mean a sewer owned and operated by the City .

COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE shall mean a twenty-four-hour composite sample. Samples may be done either manually or automatically, and continuously or discretely, with not less than twelve (12) samples to be composited.

COOLING WATER shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COUNCIL shall mean the Greenwood Common Council.

DIRECT DISCHARGE shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

DIRECTOR shall mean the Director or Superintendent of the Department of Sanitation - Field Operations, or his/her authorized deputy, agent, or representative.

DISCHARGE REPORT shall mean any report required of an industrial user by Section B.2. of the industrial discharge permit.

DOMESTIC WASTEWATER shall mean wastewater of the type commonly introduced into a POTW by residential users.

EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GENERAL PRETREATMENT REGULATIONS shall mean “General Pretreatment Regulations for Existing and New Sources,” 40 *CFR*, Section 403, as amended.

GRAB SAMPLE shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

INDIANAPOLIS shall mean the consolidated City of Indianapolis, Marion County, Indiana.

INDIRECT DISCHARGE shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 *U.S.C.* 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER shall mean any user of the POTW who discharges, causes, or permits the discharge of nondomestic wastewater into the POTW,

INDUSTRIAL WASTE/EMERGENCY RESPONSE SECTION, formerly known as “industrial surveillance section,” shall mean the industrial waste/emergency response section of the Indianapolis Department of Public Works.

INDUSTRIAL WASTES shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

INDUSTRIAL WASTEWATER shall mean a combination of liquid and water-carried waste discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

INSPECTOR shall mean the person authorized by the City to inspect and approve the installation of building sewers and their connections to the public sewer system.

INTERFERENCE shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D. of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium $\text{NH}_3 \rightleftharpoons \text{NH}_4^+ + \text{H}^+$.

NATURE OUTLET shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
- (3) The production or wastewater--generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

Construction of a new source has commenced if the owner or operator has:

- (1) Begun or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

NONINDUSTRIAL USER shall mean all users of the POTW not included in the definition of “industrial user.”

NPDES (National Pollutant Discharge Elimination System) shall mean a permit issued pursuant to Section 402 of the Act (22 U.S.C. 1342).

PASS-THROUGH shall mean a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency including but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus, and instrumentalities thereof, or any other legal entity, or any combination thereof.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT shall mean but is not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW shall mean all publicly owned facilities for collecting, pumping, treating, and disposing of wastewater including sewers, lift stations, manhole stations, and the wastewater treatment plants whether owned by Greenwood, Indianapolis or other contracting person where the wastewater flow is to be treated under the agreement between the City of Indianapolis and the City of Greenwood for Sewage Transportation and Treatment Service.

PRETREATMENT OR TREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 *CFR* Section 403.6 (d).

PRETREATMENT STANDARD OR REGULATION shall mean any substantive or procedural requirement related to pretreatment contained in this Chapter.

PROPERLY-SHREDDED GARBAGE shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely

under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled or regulated by public authority, including but not limited to, sewers owned by the City of Greenwood or by the City of Indianapolis, or other persons.

RADIOACTIVE MATERIAL means any material (solid, liquid, or gas) which spontaneously emits ionizing radiation and which is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana Department of Health. This may include naturally- occurring radioactive material, by-product material, accelerator produced material, source material, or special nuclear material.

SANITARY SEWER shall mean a sewer which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE NORMALLY DISCHARGED BY A RESIDENCE shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

SEWER shall mean a pipe or conduit for carrying sewage.

SEWER WORK shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

SHALL is mandatory; **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USER (SIU) shall mean any industrial user which is:

(1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;

(2) A noncategorical facility with a process wastewater discharge greater than 25,000 gallons per day;

(3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal; or

(4) Any other industrial user deemed to be significant by the Director.

SLUG shall mean any discharge of wastewater which, in concentrations of any given constituent, as measured by a grab sample, exceeds more than five (5) times the allowable discharge limits as specified in this Chapter and/or in quantity of flow exceeds more than five (5) times the user's average flow rate as authorized in the user's industrial discharge permit, for a period of duration longer than fifteen (15) minutes.

STATE shall mean the State of Indiana.

STORM DRAIN OR STORM SEWER shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

STORM WATER shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

TOXIC POLLUTANT shall mean, but not be limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

UPSET shall mean an exceptional incident in an industrial user's facility, in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

USER shall mean any person who contributes, causes or permits the contribution of wastewater into the POTW where the wastewater flow is to be treated under the Agreement between the City of Indianapolis and the City of Greenwood for Sewage Transportation and Treatment Services.

WASTEWATER shall mean a combination of the liquid and water-carried pollutants from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

WASTEWATER TREATMENT PLANT shall mean any arrangement of devices and structures used for treating wastewater whether owned by Greenwood, Indianapolis or other persons.

WASTEWATER WORKS shall mean all facilities for collecting, pumping, treating and disposing of wastewater whether owned by Greenwood, Indianapolis or other contracting persons where the wastewater flow is to be treated under the Agreement between the City of Indianapolis and City of Greenwood for Sewage Transportation and Treatment Services.

WATERCOURSE shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ABBREVIATIONS. The following abbreviations shall have the designated meanings:

BOD:	Biochemical oxygen demand
CFR:	<i>Code of Federal Regulations</i>
COD:	Chemical oxygen demand
EPA:	Environmental Protection Agency
IDEM:	Indiana Department of Environmental Management
IDOH:	Indiana Department of Health
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
SIC:	Standard Industrial Classification
SS:	Suspended Solids
SWDA:	Solid Waste Disposal Act, 42 <i>USC</i> 6901 <i>et seq.</i>
TSS:	Total Suspended Solids
40 CFR 136:	“Guidelines Establishing Test Procedures for the Analyses
30 AIC 5-12-2:	“Regulations for National Pretreatment Standards for

(Ord. No. 92-6, § 17-6, 3-2-92)

Sec. 9-9 Use of Sewers Required; Unlawful Disposal of Wastes.⁶

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

(b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

(d) Except where a valid NPDES permit exists, the owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting any street, alley or right-of-way in which there is now located or may be in the future located a public sewer or combined sewer of the City, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within one hundred twenty (120) days after the date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the

⁶ *I.C.*, 36-9-23-30, authorizes the City to require sewer connections.

property line; and further provided that the area in which the said house, building or property is located is not serviced by a private sewer utility company; and further provided that if said house, building or property is serviced by a private sewer utility company, the owner must make connection with the proper lines of said private sewer utility company under the same conditions and requirements as set out above pertaining to connection to the public sewer system.

Sec. 9-10 Regulation of Discharges to Public Sewers.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.

(b) Storm water and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application, as provided in Section 9-75.

(c) No person shall discharge or cause to be discharged to any public sewer, wastewater or pollutants which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

(1) Fire or explosion hazard;

(2) Corrosive structural damage to the POTW, but in no case water with a pH lower than 5.0 or higher than 10.0;

(3) Obstruction to the flow in City sewers, or other interference with the proper operation of the POTW;

(4) An interference;

(5) A pass-through.

(d) No person shall discharge or cause to be discharged to any public sewer:

(1) A slug or a flow rate and/or pollutant discharge rate which is excessive over relatively short time period so that there is a wastewater treatment plant process upset and subsequent loss of treatment efficiency;

(2) Heat in amounts which will inhibit biological activity at the wastewater treatment plants but in no case greater than sixty (60) degrees centigrade (140 degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees centigrade (104 degrees Fahrenheit), unless approved by the director;

(3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes, or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to

humans or animals, create a toxic effect in the receiving water of the wastewater works, or to exceed applicable categorical pretreatment standards;

(4) A wastewater with a closed cup flash point of less than 140 degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the wastewater treatment plant. At no time shall a discharge cause a reading on a meter capable of reading L.E.L. (Lower Explosive Limit) to be greater than 10% at the point of discharge to the sewer system or at any point in the POTW.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;

(7) Any substance which may cause the POTW's effluent or any other product of the wastewater works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;

(8) Any substance which will cause the POTW to violate the City's or Indianapolis' NPDES permit or the receiving stream's water quality standards;

(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks, and vegetable tanning solutions;

(10) Any wastewater containing radioactive material above limits contained in regulations, permits, or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, State or Federal requirements.

(11) Any wastewater containing an oil and grease concentration in excess of 200 mg/l. This limitation shall apply at the point of discharge to the City sewer system and is the maximum concentration allowed in any single grab sample collected from the wastestream.

(12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides,

epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, or antifreeze. Background concentrations of these substances which are present in the normal wastewater discharge and do not violate any section of this chapter shall be considered in compliance with this subsection. Polychlorinated biphenyls (PCBs) are prohibited in any detectable concentrations.

(e) No person shall discharge or cause to be discharged a wastewater which has a twenty-four-hour composite value in excess of the values shown on Table 1.

TABLE 1
NONCATEGORICAL DISCHARGE LIMITS

<i>Maximum Allowable Concentration</i>	
<i>Pollutant</i>	<i>24-Hour Composite Sample Value (mg/l)</i>
Arsenic	4.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Cyanide (total)	8.0
Lead	4.7
Nickel	7.3
Phenol	46.0
Pentachlorophenol	0.012
Zinc	38.0
Mercury	0.025
Silver	4.2

(f) The limitations set forth in Table 1 above apply at the point of discharge to the City sewer system. The limitations for amenable cyanide, total cyanide, and phenols apply to 24-hour composite samples only in those cases where the composite sample is preserved according to EPA-approved methods prior to collection. Otherwise, the values set forth shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general.

The limitations and requirements imposed in subsections 9-10 (c), (d) and (e), above, shall apply at the point of discharge to the public sewer unless specified otherwise.

(g) A grease interceptor or trap shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the Department of Fire Prevention and Building Safety, formerly known as the Administrative Building Council of the State of Indiana, and shall be reviewed and approved by the Department of Sanitation prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the Board of Public Works and Safety or its authorized representative may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters. (Ord. No. 92-6, § 17-8, 3-2-92)

Sec. 9-11 Modification of Federal Categorical Pretreatment Standards.

When the City and/or Indianapolis demonstrates consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, as required by 40 *CFR* 403.7, and any amendments thereto, the City and/or Indianapolis may apply to the administrator of EPA, or the State if it has an approved pretreatment program, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by the City's and/or Indianapolis' wastewater treatment system. (Ord. No. 92-6, § 17-9, 3-2-92)

Sec. 9-12 State and Federal Requirements.

Federal Categorical Pretreatment Standards or State requirements and limitations on discharges shall apply in any case where they are more stringent than those in this Chapter. (Ord. No. 92-6, § 17-10, 3-2-92)

Sec. 9-13 City's Right of Revision.

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater system than those in this Chapter if deemed necessary to comply with the objectives presented in Section 9-1 of this Chapter. (Ord. No. 92-6, § 17-11, 3-2-92)

Sec. 9-14 Baseline Report

Within one hundred eighty (180) days after the effective date of a Federal Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such categorical pretreatment

standards and currently discharging to or scheduled to discharge to the POTW will be required to submit to the director, a report containing the following information as required by 40 *CFR* 403.12 (b).

(a) **Identifying Information** - The user shall submit the name and address of the facility including the name of the operator and owners;

(b) **Permits** - A list of any environmental control permits held by or for the facility;

(c) **Description of Operations** - User shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater works from the regulated processes;

(d) **Flow Measurement** - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(1) Regulated process streams; and

(2) Other streams as necessary to allow use of the combined waste stream formula of 40 *CFR* 403.6 (e).

The Director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) **Measurement of Pollutants** - The pretreatment standards applicable to each regulated process as measured according to 40 *CFR* 403.12 (b). (Ord. No. 92-6, § 17-12, 3-2-92)

Sec. 9-15 Excessive Discharge.

No user shall ever increase the use of process water or other flows to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City or State. (Ord. No. 92-6, § 17-13, 3-2-92)

Sec. 9-16 Accidental Discharge.

Each industrial user shall provide protection from accidental discharge of substances regulated by this Chapter. Facilities to prevent accidental discharge shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be available to the City or Indianapolis for review. All existing industrial users shall complete such a plan within six (6) months after the effective date of this Chapter. No industrial user who commences contribution to the POTW after the effective date of this Chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures are available. Such plans and operating procedures shall not relieve the industrial user

from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this Chapter.

(a) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the Director of Sanitation Department - Field Operations, of the incident. In the case of a significant accidental discharge, it is the further responsibility of the industrial user to immediately telephone and notify the Industrial Waste/Emergency Response Section of the Department of Public Works of Indianapolis. A significant accidental discharge is a discharge as defined in Section 9-10 (c), (d), or (e) or a discharge in violation of its permit. The notification shall include:

- (1) Name of company;
- (2) Location of discharge;
- (3) Type of waste discharge;
- (4) Concentration and volume of waste discharged;
- (5) Corrective actions taken to minimize the impact of the discharge to the

POTW.

(b) The industrial user shall notify the City if it is unable to comply with any requirement of this Chapter because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in subsection (a) above.

(c) Within five (5) days, unless extended by the Director of Sanitation Department - Field Operations or the Board of Public Works and Safety in writing, the industrial user shall submit to the Director a detailed written report describing the accidental discharge including:

- (1) The cause of the accidental discharge;
- (2) The period of the accidental discharge, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- (3) Steps being taken and/or planned to reduce, eliminate or prevent recurrence of the accidental discharge.

(d) Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.

(e) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. An industrial user who wishes to establish the affirmative

defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted to the City the information required in subsections (b) and (c) above.

An upset defense is only available for violations of categorical pretreatment standards.

(f) A notice shall be permanently posted on the user's bulletin board or other prominent place advising affected employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 92-6, § 17-14, 3-2-92)

Sec. 9-17 Liability for Damage.

If any person discharges or causes to be discharged a waste which causes interference, obstruction, damage or any other impairment to the POTW, the Board may assess a charge against said person for:

- (a) The work required to clean or repair the wastewater works; and
- (b) Any fine imposed against the City as a result of such interference, obstruction, damage or impairment;

and add such charges to said person's regular charge. (Ord. No. 92-6, § 17-15, 3-2-92)

Sec. 9-18 Special Agreements.

Special agreements and arrangements between the Board and any person may be established, when in the opinion of the Board, unusual or extraordinary circumstances compel special terms and conditions. The Board shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quality of pollutants that will be included in the discharge, the impact of those pollutants on the POTW and the receiving stream and such other factors as the Board deems appropriate. There cannot be special agreements and arrangements where Federal Categorical Pretreatment Standards and requirements apply. (Ord. No. 92-6, § 17-16, 3-2-92).

Sec. 9-19 Monitoring Devices; Metering Equipment.

(a) **Installation and Maintenance at User's Expense.** The Director may require, as is necessary to carry out the requirements of this Chapter, any person to construct at his/her own

expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship, upon his/her approval allow the facility to be constructed in the public right-of-way; provided, however, the Greenwood Street Department shall be the authority, through its director and the City Engineer, to determine the locations on the public right-of-way, on or below which the monitoring device and facility shall be placed.

(b) **Temporary Right-of-Way Permit.** The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall submit to the Board of Public Works and Safety a temporary right-of-way use permit request and the site plan. The staff of the Board of Public Works and Safety shall review the temporary right-of-way use request and site plan prior to issuing the permit.

(c) Industrial users subject to categorical pretreatment standards shall have the option to designate a sampling location at a point containing only regulated process wastewaters or at a point containing the combined wastestream to demonstrate compliance with the applicable standard. The industrial user shall prove to the satisfaction of the Director that the selected self-monitoring location contains all regulated wastestreams. This option does not relieve the industrial user of the requirements specified in Section 9-19 (a).

(d) An industrial user shall obtain written approval of the Director prior to changing the point of self-monitoring activities. (Ord. No. 92-6, §17-17, 3-2-92)

Sec. 9-20 Right to Inspect.

Whenever required to carry out the objectives of this *Greenwood Municipal Code*, the Director or his/her authorized representative, including any authorized officer or employee of the City of Indianapolis Department of Public Works, upon presentation of his/her credentials, shall have a right of entry to, upon, or through any premises for purpose of reviewing relevant records or inspecting, measuring, and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring, and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the Director in carrying out the review of relevant records, inspection, measuring, and sampling. The right of entry shall exist at any time. (Ord. No. 92-6, § 17-18, 3-2-92)

Sec. 9-21 Rules and Regulations.

After the passage of this Chapter (March 2, 1992), and from time to time thereafter as may be needed, the Board of Public Works and Safety may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this Chapter which are not inconsistent therewith. Before any such rules and regulations shall become effective, the Board of Public Works and Safety shall give notice and hold a public hearing, according to the procedure provided in *I.C.*, 36-9-23, or other applicable laws. (Ord. No. 92-6, § 17-19, 3-2-92)

Sec. 9-22 Protection From Damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. (Ord. No. 92-6, § 17-20, 3-2-92)

Sec. 9-23 Penalties.

(a) Notwithstanding any other Section, any person who violates any provision or discharge limit of this Chapter, and upon conviction thereof, may be fined an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). Each day's violation shall constitute a separate offense.

(b) Nothing in this Chapter shall restrict any right which may be provided by statute or common law to the City to bring other actions, at law or equity, including injunctive relief. (Ord. No. 92-6, § 17-21, 3-2-92)

Sec. 9-24 Record Keeping Requirements.

(a) Any industrial user subject to the reporting requirements established in this Chapter shall maintain records of all information resulting from any monitoring activities required by this Chapter. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the name(s) of the person or persons taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(b) Any industrial user subject to the reporting requirements established in this Chapter shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available for inspection and copying by the Director and the EPA. (Ord. No. 92-6, § 17-22, 3-2-92)

Sec. 9-25 Sewer Connection Permits.

(a) No person shall discharge directly or indirectly into a public sewer without the City having had issued a sewer connection permit for the real estate and without the real estate having actually been connected to the City's public sewer system in accordance with the limitations noted on the sewer connection permit, which may include, but not be limited to, an expiration date, a mandatory open ditch inspection and the dedication of public sewer mains to be used, and compliance with other terms, conditions and rules of the sewage works, unless the Board has authorized otherwise.

(b) A sewer connection permit issued for the real estate shall be valid for one (1) year from the date of its issuance in order for the user to make an approved physical connection to the public sewer system.

(c) All fees required under this Chapter and in a sewer service agreement which are due by their terms before the issuance of a sewer connection permit shall be paid before the issuance of a sewer connection permit. (Ord. No. 96-46, § 2, 12-16-96)

Sec. 9-26 through 9-39 Reserved for Future Use.

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Division II. Private Disposal Facilities.**Sec. 9-40 Conformity With This Chapter Required.**

Except as provided in this Chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ord. No. 92-6, § 17-23, 3-2-92)

Sec. 9-41 When Use Required.

Where a public sanitary or combined sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter. (Ord. No. 92-6, § 17-24, 3-2-92)

Sec. 9-42 Discontinuance of Use.⁷

At such times as public sewer becomes available to a property served by a sewage disposal system as provided by Section 9-9(d), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned. (Code 1968, §6.03(b); 1983 *Greenwood Municipal Code*, § 17-32; Ord. No. 92-6, § 17-25, 3-2-92)

Sec. 9-43 Conformity with Health Regulations Required.

The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the IDOH and the Johnson County Health Department. No septic tank or cesspool shall be permitted to discharge into any natural outlet in any circumstance. (Ord. No. 92-6, § 17-26, 3-2-92)

Sec. 9-44 Authority of Health Department not Impaired.

Nothing contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Johnson County Health Department. (Ord. No. 92-6, § 17-27, 3-2-92)

Sec. 9-45 Maintenance.

The owner of private wastewater disposal facilities shall operate and maintain such facilities in a sanitary manner at all times, at no expense to the City. (Ord. No. 92-6, § 17-28, 3-2-92)

⁷ I.C., 36-9-23-30, authorizes the City to require discontinuance of the use of septic tanks.

Sec. 9-46 Abandonment of Facilities.

When a private wastewater disposal system is abandoned, any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned in accordance with Indiana law. (Ord. No. 92-6, § 17-29, 3-2-92)

Sec. 9-47 through 9-74 Reserved for Future Use.**Division III. Industrial Discharge Permits.****Sec. 9-75 Permit Required.**

(a) All industrial users proposing to connect to or discharge into a City sewer must complete an application for an industrial discharge permit before connecting to or discharging into a City sewer. All industrial users connected to or discharging into a City sewer, who do not currently have an industrial discharge permit, must complete an application for an industrial discharge permit within ninety (90) days after the effective date of this Chapter. Permits will be issued to all significant industrial users (SIU) including those users subject to federal categorical pretreatment standards, users not subject to federal standards but deemed significant by the Director, or which otherwise meet the criteria of a significant industrial user.

(b) No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or industrial discharge permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter. Nor shall any person knowingly transmit false information required by this Chapter to either the City or the City of Indianapolis Department of Public Works. (Ord. No. 92-6, § 17-66, 3-2-92)

Sec. 9-76 Application.

(a) The Director shall have the authority to prescribe an industrial discharge permit application form. The application form may require the following information:

- (1) Name, address and standard industrial classification number;
- (2) Volume of wastewater to be discharged;
- (3) The wastewater characteristics, including but not limited to BOD, suspended solids, ammonia and pH;
- (4) Description of daily, weekly, and seasonal variations in discharges;
- (5) Location of building drain and/or building sewer;

(6) Pretreatment standards applicable to the discharge;

(7) If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the user shall provide it by the shortest possible compliance schedules. The completion date in this schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

(b) No increment referred to in paragraph (a) shall exceed nine (9) months;

(c) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director;

(8) Any other information as may be deemed by the Director to be necessary to evaluate the industrial discharge permit application.

(b) The industrial discharge permit application is to be signed and sworn to by an authorized representative of the industrial user:

(1) In the case of a corporation or an association, an officer, or his/her duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates;

(2) In the case of a partnership, a general partner;

(3) In the case of a sole proprietorship, by the proprietor;

(4) In the case of a government agency, by the principal executive officer. (Ord. No. 92-6, § 17-67, 3-2-92)

Sec. 9-77 Term

The industrial discharge permit shall be for a term of three (3) years. Any person wishing to continue to discharge to a public sewer beyond the term of the industrial discharge permit shall

apply for renewal of the industrial discharge permit at least sixty (60) days prior to the expiration of said permit.

In the event the permittee does not receive permit renewal prior to the expiration date due to circumstances beyond the control of the permittee, the standards and requirements set forth in the expired permit shall remain in full force and effect until such renewal is received by the permittee. (Ord. No. 92-6, § 17-68, 3-2-92)

Sec. 9-78 Conditions.

The Board may prescribe conditions to the industrial discharge permit which may include the following:

(a) Applicable Federal and/or State laws, regulations or orders, including National Categorical Pretreatment Standards for new and existing sources promulgated in 40 *CFR*, Parts 401 through 471, as amended and supplemented.

(b) Limits on the wastewater characteristics other than those in Section 9-10, including but not limited to polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the POTW. The Director shall apply applicable Federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;

(c) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a City sewer, as established by City Council;

(d) Limits on the average and maximum wastewater constituents and characteristics;

(e) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(f) Requirements for installation and maintenance of inspection and sampling facilities;

(g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;

(h) Compliance schedules;

(i) Requirements for submission of technical reports or discharge reports;

(j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

(k) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(l) Requirements for notification of slug discharges;

(m) Other conditions as deemed appropriate by the City to ensure compliance with this Chapter. (Ord. No. 92-6, § 17-69, 3-2-92)

Sec. 9-79 Permit Modifications.

Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the user with an existing industrial discharge permit shall submit to the Director, within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by Section 9-76. Industrial discharge permits of users who must comply with Federal Categorical Pretreatment Standards prior to the effective date of this Chapter, shall be revised immediately upon the effective date of this Chapter to reflect applicable pretreatment standards.

Modification of an industrial discharge permit may also be accomplished at any time during the term of the permit, when in the opinion of the Board, a modification is necessary to accurately characterize changes in industrial contribution, wastewater constituents or characteristics, ordinance requirements, or any other applicable condition. (Ord. No. 92-6, § 17-70, 3-2-92)

Sec. 9-80 Fees.

There shall be a fee of Twenty-Five Dollars (\$25.00) for the original application for an industrial discharge permit and a fee of Ten Dollars (\$10.00) for each renewal and modification of existing permits initiated by the permittee. Payment of the fee shall accompany submission of the completed application. The Board may revise the amount of such fee following a public hearing held after ten (10) days' notice in accordance with *I.C.* 5-3-1-2 but not more often than once each calendar year.. (Ord. No. 92-6, § 17-71, 3-2-92)

Sec. 9-81 Nonassignability.

The industrial discharge permits are issued to a specific person for a specific facility and do not constitute a property interest nor shall the industrial discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation. (Ord. No. 92-6, § 17-72, 3-2-92)

Sec. 9-82 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before final review and approval of such plans by IDOH and IDEM and construction of the facility. The review of such

plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to the City prior to the user's initiation of the changes. (Ord. No. 92-6, § 17-73, 3-2-92)

Sec. 9-83 Compliance Date Report.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards or regulations shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or regulation. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer licensed in the State of Indiana. (Ord. No. 92-6, § 17-74, 3-2-92)

Sec. 9-84 Periodic Compliance Reports.

(a) Any user subject to a pretreatment standard set forth in this Chapter, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 9-83. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

(b) Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 *CFR*, part 136 and amendments thereto or with any other test procedures approved by the Director. Sampling shall be performed in accordance with the techniques approved by the Director. Where 40 *CFR*, part 136 does not include a sampling or analytical technique for the pollutant in questions, sampling and analyses shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedure for Screening of Industrial Effluent for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA. (Ord. No. 92-6, § 17-75, 3-2-92)

Sec. 9-85 Confidential Information.

The Director shall protect any information (other than effluent data) contained in the application forms, or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such persons.

Information accepted by the City with a claim for confidentiality shall be safeguarded by the City and shall not be transmitted to any government agency or to the public until and unless a fifteen (15) day notification is given to the user. During the fifteen (15) day period, the user shall submit a justification of confidentiality to the Director. A determination of confidentiality shall be made by the Director pursuant to regulations used by the Indiana Water Pollution Control Board for acquisition of and public access to agency information, as amended, 330 *IAC* 5-1.5-1 *et seq.* (Ord. No. 92-6, § 17-76, 3-2-92)

Sec. 9-86 Emergency Suspension of Service and Industrial Discharge Permit.

(a) Notwithstanding any other provision of this Chapter, the Director may, without notice or hearing, suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW or causes the City to violate any condition of its NPDES permit or of Indianapolis' NPDES permit(s) which are related by contract to the City.

(b) Any user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The Director shall reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the City sewer or the sewer of an outside jurisdiction contracting with the City. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Director within five (5) days of the date of occurrence. (Ord. No. 92-6, § 17-77, 3-2-92)

Sec. 9-87 Revocation.

The Director may revoke the industrial discharge permit of any person for any of the following:

(a) Violation of any provision of this Chapter or of any applicable State and/or Federal law, including regulations;

- (b) Failure to timely file any discharge reports;
- (c) Failure to factually report wastewater characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of review of records, inspection, or monitoring; or
- (e) Violation of any condition of the industrial discharge permit. (Ord. No. 92-6, § 17-78, 3-2-92)

Sec. 9-88 Notice of Revocation.

Except in cases of willfulness or those in which public health, interest or safety required otherwise, the revocation, withdrawal or suspension of an industrial discharge permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:

- (a) Notice by the Director, in writing, of the facts or conduct which may warrant the action;
- (b) Opportunity to demonstrate or achieve compliance with all lawful requirements. (Ord. No. 92-6, § 17-79, 3-2-92)

Sec. 9-89 Notification of Violation.

Whenever the Director finds that any user has violated or is violating this Chapter, or any condition of its industrial discharge permit, the Director may serve upon such person a written notice stating the nature of the violation. Within fifteen (15) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user. (Ord. No. 92-6, § 17-80, 3-2-92)

Sec. 9-90 Show Cause Hearing.

The Director may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause at a departmental hearing why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held before the Director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. (Ord. No. 92-6, § 17-81, 3-2-92)

Sec. 9-91 Appeals.

A user may file with the Director a written request for reconsideration within fifteen (15) days of any action, decision or determination taken as part of the department's administrative enforcement

program. The request shall set forth in detail the facts surrounding the request. The Director shall make his/her final determination within ten (10) days of the request.

The user may further appeal to the Board of Public Works and Safety within fifteen (15) days of any final decision of the Director. (Ord. No. 92-6, § 17-82, 3-2-92)

Sec. 9-92 Publication of Significant Noncompliance.

The City shall annually publish in the newspaper with the largest circulation in the City a list of the users which at any time during a calendar year were in significant noncompliance with applicable pretreatment requirements. The list shall be published in January of each year summarizing the noncompliance of the previous calendar year.

For purposes of this section, significant noncompliance shall be chronic violations of discharge limitations in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed by any magnitude the daily maximum for any given parameter; violations of technical review criteria (TRC) in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period exceed the daily maximum or average limit multiplied by the applicable TRC; violations of an effluent limit that the Director has determined has caused interference or pass-through at the POTW or endangerment to the POTW personnel or the public; discharge of a pollutant causing imminent endangerment to human health, welfare, or the environment; failure to meet, within ninety (90) days after a scheduled date, a compliance schedule milestone contained in a compliance schedule or order; failure to provide a required report within thirty (30) days after the due date; failure to accurately report noncompliance; or any violation which the Director determines will adversely affect the operation or implementation of the City's pretreatment program. (Ord. No. 92-6, § 17-83, 3-2-92)

Sec. 9-93 Submission of Self-Monitoring Reports.

Any industrial user required to complete self-monitoring reports as a condition of an industrial discharge permit shall submit the required reports to the Sanitation Department - Field Operations. The reports shall be postmarked no later than the date specified in the permit. The reports shall be signed by an authorized representative of the industrial user as defined in Section 9-8. (Ord. No. 92-6, § 17-84, 3-2-92)

Sec. 9-94 Signatory Requirements.

Reports and sworn statements required by Sections 9-14, 9-16 (c), 9-76 (b), 9-83 , 9-84, 9-93, 9-95 (b), and 9-97 (b), shall be made by an authorized representative as defined in Section 9-8 of this Chapter.

If an authorization allowed under this section is no longer accurate due to changes in the person or position designated, a new authorization satisfying the requirements of this section shall be submitted to the City prior to or together with any applicable report. (Ord. No. 92-6, § 17-85, 3-2-92)

Sec. 9-95 Violation of Permit Requirements.

(a) In the case of noncompliance with industrial discharge permit limitations, standards, or requirements, the industrial user shall contact the Director of Sanitation Department - Field Operations within twenty-four (24) hours of knowledge of the noncompliance. The person representing the industrial user shall provide the following information:

- (1) Name of the company;
- (2) Facility location;
- (3) Limitation, standard, or requirement in violation; and
- (4) Corrective actions taken to eliminate, prevent, and/or minimize the violation.

(b) The industrial user shall provide a detailed written report describing the violation to the Director of Sanitation Department - Field Operations. The report shall be submitted within five (5) working days subsequent to knowledge of the noncompliance incident. The Director may grant an extension in writing to the report deadline in consideration of special circumstances. The report shall contain the following information:

- (1) Description of the discharge and cause of the violation;
- (2) Parameters in violation; and

(3) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge or violation.

(c) Within thirty (30) days of knowledge of a violation from self-monitoring activities, the industrial user shall sample and analyze for the parameter(s) found in violation to demonstrate that compliance has been achieved. The results shall be submitted to the Sanitation Department - Field Operations on the appropriate self-monitoring report.

(d) A violation of a monthly average limitation which is derived from federal categorical pretreatment standards shall constitute a separate violation for each day the facility operates during a given month. (Ord. No. 92-6, § 17-86, 3-2-92)

Sec. 9-96 Charges and Fees for City's Pretreatment Program.

Charges and fees may be established with Council approval to provide for the recovery of costs of the pretreatment program from industrial users of the City's wastewater treatment system. The applicable charges or fees shall be set forth in the City's schedule of fees and charges division and may include:

- (a) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by City) of pollutants otherwise subject to Federal pretreatment standards; and
- (g) Fees for modification of an industrial discharge permit; and
- (h) Other fees as the City may deem necessary to carry out the requirements contained herein. (Ord. No. 92-6, § 17-87, 3-2-92)

Sec. 9-97 Billing Estimates and Reports.

(a) In the event a nonindustrial user subject to such rates and charges is not served by a public water supply or water used is not completely metered, the Director shall have the authority to estimate the volume and strength of the waste and use such estimate for the purposes of billing rates and charges described above. The estimates shall be based upon analyses and volumes of a similar installation or the volume and analysis as determined by measurements and samples taken by the Director or an estimate determined by the Director or by any combination of the foregoing or other equitable method.

(b) Unless otherwise established by the Director, each industrial user subject to the rates and charges described above shall report to the Director by the tenth day of the following month on a form prescribed by the Director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including but not limited to BOD, SS and (ammonia) nitrogen. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 *CFR* part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the Director. The reports submitted shall be subject to verification by the Director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the Director by the aforementioned time, the charges shall be based upon estimates made by the Director, as provided in subsection (a) above.

(c) In the event that an industrial user fails to submit the report required by Section 9-97 (b) by the tenth (10) day of the following month, the industrial user shall pay late reporting charges according to the following schedule:

<u>Late Reports Filed in any Year</u>	<u>Charge</u>
First Late Report	No Charge
Second Late Report	No Charge
Each Subsequent Late Report	\$100.00

These late reporting charges shall be due and payable as provided in this Chapter. The imposition of such late reporting charges shall in no way limit the operation of penalties provided elsewhere in this Chapter.

(d) The Director shall have the right to enter upon the land of the industrial user and to set up such equipment as is necessary to certify the reports submitted. It shall be the duty of the industrial user to provide all necessary clearance before entry and not to unnecessarily delay or hinder the Director in carrying out the measuring and sampling. The right of entry shall exist during any time the industrial user is operating or open for business.

(e) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the Director, the Director shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD, SS and nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, and comparisons between the industrial user data and collected data from like industries.

(f) The cost of all tests, measurements and analyses taken by the Director pursuant to the Department of Sanitation's responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested, in an amount equal to the actual cost of said tests, measurements or analyses. These costs shall be due and payable as provided in this Chapter as determined at the close of each calendar year. (Ord. No. 92-6, § 17-88, 3-2-92)

Sec. 9-98 Use by Other Political Subdivisions.

No use of the POTW shall be allowed by any other political subdivision of the State or private utility unless and until the Director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this Chapter, the laws of the United States and regulations of the U. S. Environmental Protection Agency. (Ord. No. 92-6, § 17-89, 3-2-92)

Sec. 9-99 Applicable to Sewer Service Agreements.

All sewer service agreements to which the Board of Public Works and Safety is a party shall be amended to reflect the rates and charges as provided for in this Chapter. (Ord. No. 92-6, § 17-90, 3-2-92)

Sec. 9-100 Rate Review.

At such time as deemed appropriate by the Director or the Board, the Director shall cause a financial study to be conducted to determine the various costs identified in the foregoing, and report to the Common Council for the need for any necessary adjustments in the rates and charges described above. (Ord. No. 92-6, § 17-92, 3-2-92)

Sec. 9-101 through 9-104 Reserved for Future Use.**Division IV. Rates and Charges.**⁸**Sec. 9-105 Definitions.**

For the purpose of this Division, the following words shall have the meanings hereinafter set forth unless the context specifically indicates otherwise:

(a) **CITY** shall mean the City of Greenwood, Indiana.

(b) **DEBT SERVICE CHARGE** shall mean the charge levied on users of sewage works to meet principal and interest on revenue bonds and service charges.

(c) **DOMESTIC WASTEWATER OR SEWAGE** shall mean the liquid waste normally contributed by a residential living unit which shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

(d) **INDUSTRIAL WASTES** shall mean liquid waste resulting from any commercial, manufacturing or industrial operation or process.

(e) **OWNER** shall mean a user who is listed as the owner or occupier of real estate as disclosed in the records of the Auditor of Johnson County, Indiana.

(f) **REPLACEMENT CHARGE** shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which such works were designed and constructed; operation and maintenance includes replacement.

(g) **SEWER SERVICE CHARGE** shall mean the aggregate of user and debt service charges.

⁸ I.C., 36-9-23-4, *et seq.*, addresses fees for sewer service.

(h) **SUSPENDED SOLIDS** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

(i) **UNIT** shall be the nearest seven hundred and fifty (750) gallons of water used, as provided to the City from the water readings, actual or estimated.

(j) **USER** shall mean any and all persons (natural or artificial), including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity user that uses the City's sewage works.

(k) **USER CLASS** shall mean the division of wastewater treatment customers by location, source, function, waste characteristics and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental in the user service charge system).

(l) **INDUSTRIAL USER** shall mean any non-governmental or non-residential user of the sewage works identified in the "Standard Industrial Classification Manual", 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A - Agriculture, Forestry and Fishing
- (2) Division B - Mining
- (3) Division D - Manufacturing
- (4) Division E - Transportation, Communication, Electric, Gas and Sanitary Services
- (5) Division I - Services

A user in the Division listed may be excluded if it is determined by the Greenwood Board of Public Works and Safety that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. Those users not excluded shall in addition be subject to the charges provided for in Ordinance No. 85-21, Industrial Cost Recovery.

(m) **NON-INDUSTRIAL USER** shall mean any governmental or residential user and includes commercial, institutional and other industrial users where it has been determined that the wastes contributed by these users are primarily segregated domestic wastes or wastes from sanitary conveniences.

(n) **USER SERVICE CHARGE** shall mean the charge levied on users of sewage works for cost of operation, maintenance, and replacement of the works and equipment. (Ord. No. 90-24, § 1, 6-4-90)

(o) **CRITCHFIELD AREA** shall mean and include the following: (1) the real property more particularly described on the plat recorded in Book No. 3, Page No. 67, in the Office of the Recorder of Johnson County which by reference is made a part of this Division as fully as if the same were attached hereto and incorporated herein, and two (2) copies of which are now on file in

the office of the Clerk-Treasurer of the City and is open for public inspection pursuant to I.C. 36-1-5-4, and which is commonly known as Critchfield Addition; and (2) the real properties legally described in certain instrument recorded in the office of the Recorder of Johnson County, which be reference are made a part of this Division as fully as if the same were attached hereto and incorporated herein, and two (2) copies of which are now on file in the office of the Clerk-Treasurer of the City and are open for public inspection pursuant to I.C. 36-1-5-4, and said properties being commonly know as: a. 3413 Stella Drive, Greenwood, Indiana more particularly described in Instrument No. 96027251; b. 3387 Stella Drive, Greenwood, Indiana more particularly described in Instrument No. 97019660; c. 3311 Stella Drive, Greenwood, Indiana more particularly described in Instrument No. 98020742; and d. 3263 Stella Drive, Greenwood, Indiana more particularly described in Instrument No. 97015918. (Ord. No. 00-41, § 1, 10-16-00)

Sec. 9-106 Rates and Charges.⁹

For the use of, and for the service rendered by said sewage works, rates and charges shall be collected from the owner or occupier of each and every lot whose premises are served by said sewage works and connected with the City's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the City. Such rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Except as herein otherwise provided, sewage rates and charges shall be based on the flow or quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a user and debt service charge as hereinafter set forth.

(b) Monthly rates and charges for waste flow and debt service shall be based upon the quantity of water used per month as measured by water meter there in use, a charge at the rate of One Dollar and Twenty-Six Cents (\$1.26) per thousand (1,000) gallons of water used as converted from units.

(c) Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises as follows:

Size of Water Meter	Per Month
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For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$ 6.50
For each one (1) inch water meter	15.31
For each one and one-quarter (1-1/4) inch water meter	24.11
For each one and one-half (1 1/2) inch water meter	34.09
For each two (2) inch water meter	59.33
For each three (3) inch water meter	135.64

For each four (4) inch water meter	235.43
For each six (6) inch water meter	534.80
For each eight (8) inch water meter	963.31

(Ord. No. 90-24, § 2 (a)-(c), 6-4-90; Ord. No. 97-45, §1, (12-15-97)

Sec. 9-107 Bond Surcharge.

This Section is hereby repealed.
(Ord. No. 03-10; §1, (5-7-03)

Sec. 9-108 Repair Surcharge.

This Section is hereby repealed.
(Ord. No. 97-45, §1, (12-15-97)

Sec. 9-109 Summer Rates.

In order that there be no additional sewage charge to residential users for water used in lawn sprinkling and other uses that do not enter the sewer system during the spring and summer months, the monthly sewage billing for May, June, July, August, September and October in each year shall be determined as follows:

(a) The lower of actual or estimated units of water used as billed by the private, public or municipal water utility or acceptable City meter or 1.334 x (times) the Winter Average.

(b) Winter Average shall be defined as the actual or estimated units of water used as billed by the private, public or municipal water utility or acceptable City meter during December, January, February, March and April divided by five (5).

(c) Residential users shall be defined as users of the sewage works whose premises or buildings are used primarily as a residence for one (1) or more persons, including all dwelling units. (Ord. No. 91-44, § 2, 11-18-91)

Sec. 9-110 Wholesale Rates.

The Greenwood Board of Public Works and Safety is authorized to consider and act upon all requests received from wholesale users of sewage services who are located outside the City limits who desire to enter into written agreements with the City whereby large volumes of sewage are to be introduced into the City's system at special contractual rates. (Ord. No. 90-24, § 2 (g), 6-4-90)

Sec. 9-111 Special Adjustments.

The Greenwood Board of Public Works and Safety is authorized to consider and act upon all requests for adjustments in sewer charges received from large volume water users such as swimming pool owners, lawn care and sod application businesses, persons using automatic sprinkler systems, persons experiencing major water leaks on their premises whose measured water use does not fairly reflect the amount of sewage being introduced into the system, non-residential users sprinkling lawns and excessive water use which does not fairly reflect the amount of sewage being introduced into the system. Non-residential users are those users who are not included within Section 9-109 (c). (Ord. No. 90-24, § 2 (h), 6-4-90)

Sec. 9-112 Bond Surcharge Reviewed Every Two (2) Years.

This Section is hereby repealed.
(Ord. No. 03-10; §1, (5-7-03))

Sec. 9-113 Flat Rate Residential Users With Non-Metered Supplies of Water.

Non-Industrial Users who do not have an acceptable metered supply of water shall pay a flat rate of Twenty-two Dollars and Nineteen Cents (\$22.19) per month (Ord. No. 03-10, §1, 5-7-03)

Sec. 9-114 Acquisition Surcharge.

This Section is hereby repealed.
(Ord. No. 03-10; §1, (5-7-03))

Sec. 9-115 CSC Repair Surcharge.

This Section is hereby repealed.
(Ord. No. 97-45, §1, (12-15-97))

Sec. 9-116 Repair Surcharge.

This Section is hereby repealed.
(Ord. No. 97-45, §1, (12-15-97))

Sec. 9-117 Acquisition Surcharge Reviewed Every Two (2) Years.

This Section is hereby repealed.
(Ord. No. 03-10; §1, (5-7-03))

Sec. 9-118 CSC Repair Surcharge Reviewed Every Two (2) Years.

This Section is repealed.

(Ord. No. 97-45, §1, (12-15-97))

Sec. 9-119 Penalties for Late Payments.

Charges not paid by the 17th day after the billing date will be subject to a penalty of ten percent (10%) of the net bill, together with a reasonable attorney fee as provided by *I.C.*, 36-9-23-31. (Ord. No. 90-24, § 2 (p), 6-4-90)

Sec. 9-120 Sewage Service to the City; Outside City Limits.

For the sewage service rendered to the City, said City shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith. (Ord. No. 90-24, § 3, 6-4-90)

All provisions of this Ordinance shall be applicable to all service rendered or to be rendered in the area outside of the corporate boundaries of the City of Greenwood which are within ten (10) miles of such corporate boundaries, provided, however, that any territory within Marion County, Indiana, not presently being served by the City of Greenwood pursuant to a user agreement, and any territory currently legally served by another utility, shall be excluded. (Ord. No. 93-31, § 1, 10-4-93)

Sec. 9-121 Meters, Weirs, Volumetric Measuring Devices Acceptable to the City.

(a) In the event a lot, parcel of real estate, or building, other than a domestic user, that discharges sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is not a user of water supplied by a private, public or municipal water utility, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City, then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices or other adequate and approved method of measurement acceptable to the City.

(b) In the event a lot, parcel of real estate or building, other than a domestic user, that discharges sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by a private, public or municipal water utility and, in addition, uses water from another source which is not measured by a water meter or is measured by a meter not acceptable to the City, then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices or other adequate and approved method of measurement acceptable to the City.

(c) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of twenty thousand (20,000) gallons per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meter,

weirs, volumetric measuring devices or other adequate and approved method of measurement acceptable to the City for determination of sewage discharge. (Ord. No. 90-24, § 4, 6-4-90; Ord. No. 97-45, §1, (12-15-97)

Sec. 9-122 Strength and Character of Sewage and Wastes.

In order that the rates and charges computed hereunder may be justly and equitably adjusted to the service rendered, the City shall base its charge not only on the volume, but also on the strength and character of the sewage and wastes which it is required to treat and dispose. The City may require the owner or other user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. Upon request by the City, the owner or other user shall furnish a central sampling point available to the City at all times.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of \$.0970 per pound of suspended solids for suspended solids in an excess of three hundred (300) milligrams per liter of fluid; and

Rate Surcharge Based Upon BOD. There shall be an additional charge of \$.0859 per pound of biochemical oxygen demand for BOD received in excess of two hundred fifty (250) milligrams per liter of fluid; and

Rate Surcharge Based Upon NH₃-N. There shall be an additional charge of \$.4474 per pound of ammonia for NH₃-N received in excess of twenty (20) milligrams per liter of fluid.

To determine the strength of the sewage and wastes, samplings and analysis shall be made from time to time whenever it is deemed desirable by the City of Greenwood. After charges have been established based upon the strength of sewage and wastes, an owner may request reconsideration of the charges by the City by submitting analysis of composite samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The City may then adjust the charges to the Ordinance rates required by such analysis or may recheck the findings by additional samplings and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of suspended solids, five-day biochemical oxygen demand and NH₃-N contained in the waste shall be in accordance with the latest editions of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," or similar publications as published by the American Public Health Association, the American Water Works Association or the Water Pollution Control Federation. (Ord. No. 90-51, § 1, 10-15-90)

Sec. 9-123 Billings.

Except for billings to multiple users, such as apartment houses, mobile home courts and housekeeping rooms, the rates and charges may be billed to the tenant or tenants occupying the properties served unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served which are occupied by tenants shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business. (Ord. No. 90-24, § 6, 6-4-90)

Sec. 9-124 Effective Date of Rates and Charges.

Except as otherwise provided, the rates and charges as herein set forth shall become effective with the first billing date after December 15, 1997 upon the approval, passing and publication of Ordinance No. 97-45 (December 15, 1997) according to law. (Ord No. 97-45, §1, 12-15-97)

Sec. 9-125 Tap On Fees.

Any user connecting to the sewage works shall pay a tap-on fee at the time of tap-on based upon the diameter size of the water meter installed at the premises as follows:

For each five-eighths (5/8) inch or three-fourths (3/4) inch or less size water meter	\$600.00
For each water meter larger than three-fourths (3/4) inch but less than two (2) inches	\$1,500.00
For each two (2) inch water meter	\$6,000.00
For each water meter over two (2) inches	\$13,800.00

(Ord. No. 96-46, § 1, 12-16-96)

In lieu of the above tap-on fees there shall be an optional tap-on fee available for selection by owners of real estate desiring a sewer connection for buildings consisting of multi-family dwelling units located on a single parcel of real estate under one (1) ownership but in which each dwelling unit will have an individual five-eighths (5/8) inch or three-fourths (3/4) inch or less water meter as follows:

The Board of Public Works and Safety, or its designee, shall determine the diameter size(s) of the water line or lines feeding the owner's multi-family dwelling units buildings and pay the tap-on fee set forth above based upon the size of the master water meter that would have been required to provide a single source water supply to the single parcel of real estate under one ownership but for the individual metering of each dwelling unit. If the owner elects to pay the tap-on fee under this provision, the owner shall enter into an agreement with the Board of Public Works and Safety to promptly pay the sewer bill of any tenant within a dwelling unit that is more than one month delinquent. The Board of Public Works and Safety is hereby authorized to make rules and regulations

for the implementation, processing, and collection of this optional tap-on fee, which includes but is not limited to, establishing procedures and approving forms and agreements for the election of this optional tap-on fee. (Ord. No. 96-46, § 1, 12-16-96)

A commercial or industrial customer shall also be required to pay such reasonable extra costs as shall be determined by the Greenwood Board of Public Works and Safety to be needed to effect the connection at the time of tap-on.

Every four (4) years, beginning with 1994, the Board of Public Works and Safety shall cause a study of the connection fees to be made for the purpose of reviewing the fairness and equity of those fees and to determine if any changes may be appropriate. Any such study shall be conducted by officers or employees of the City of Greenwood, by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies. A report of such study shall be forwarded to the Greenwood Common Council. (Ord. No. 94-8, § 6, 5-4-94; Ord. No. 97-45 § 1, 12-15-97)

The fees required in this Section are to be used as net revenues of the sewage works. (Ord. No. 90-51, § 2, 10-15-90)

Sec. 9-126 Surcharge Review.

This Section is hereby repealed.
(Ord. No. 03-10; §1, (5-7-03)

Sec. 9-127 Annual Studies.

On an annual basis, the City shall cause a study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis and an analysis made of treatment costs charges by Indianapolis to the City of Greenwood to determine any material changes which should be passed to the City's users in a fair and equitable manner. Any such study shall be conducted by officers or employees of the City of Greenwood, by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies. A report of such studies shall be forwarded to the Greenwood Common Council. (Ord. No. 90-24, § 10, 6-4-90; Ord. No. 90-51, § 3, 10-15-90; Ord. No. 94-8, § 6, 5-4-94; Ord. No. 97-45 § 1, 12-15-97)

Sec. 9-128 Board of Public Works and Safety to Enforce By-Laws and Regulations.

(a) The City shall, through its Board of Public Works and Safety, make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the City's sewage and treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges.

(b) The City is authorized to prohibit, through said Board of Public Works and Safety, the dumping of wastes into the City's sewage system, which, in its opinion, are or may be harmful to the

operation of the sewage treatment works and to require pretreatment of wastes to reduce the characteristics and strength of the waste to the City's satisfaction. (Ord. No. 90-24, § 11, 6-4-90)

Sec. 9-129 Fees and Charges for Subsequent Users.

In accordance with *I.C.*, 36-9-23-26, the fees and charges established hereunder for any class of users or property shall be automatically extended to cover any additional property that is subsequently served and falls within the same class without any additional action, hearing or notice by this Common Council. (Ord. No. 90-24, § 12, 6-4-90)

Sec. 9-130 Reconnection Fee.

Any user reconnecting to the sewage works because of a repair to its line or because of its replacement of its line by a new line, and further, does not change the size of the water meter shall pay a fee of Fifty Dollars (\$50.00) at the time of reconnection. The fees required in this Section are to be used as net revenues of the sewage works. (Ord. No. 94-8, § 5, 5-4-94)

Every four (4) years, beginning with 1994, the Board of Public Works and Safety shall cause a study of the reconnection fees to be made for the purpose of reviewing the fairness and equity of those fees and to determine if any changes may be appropriate. Any such study shall be conducted by officers or employees of the City of Greenwood, by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies. A report of such study shall be forwarded to the Greenwood Common Council. (Ord. No. 94-8, § 6, 5-4-94; Ord. No. 97-45 § 1, 12-15-97)

Sec. 9-131 Sewer Availability Fee (SAF).

(a) Effective January 1, 1997, in addition to any other fees, charges or costs, and prior to discharging sewage into the City's sanitary sewers, the owner, lessee, or developer of any real estate:

- (1) requesting a new connection to the public sanitary sewers;
- (2) needing additional estimated wasteload allocation or capacity because of an increased use resulting in a greater classification of estimated wastewater flows;
- (3) needing additional estimated wasteload allocations or capacity as a result of a changed use resulting in a greater classification of estimated wastewater flows;
- (4) providing a projected classification for an estimated wasteload allocation that is less than the actual developed classification; or
- (5) requesting a reservation of capacity of estimated wasteload allocation, shall pay to the City a sewer availability fee (SAF) based upon the Needs Assessment Report entitled "Determination of Sewer Availability Fee for Greenwood Sewer Utility" in the amount of One Thousand Four Hundred Ninety Dollars (\$1,490.00) per Equivalent Domestic Unit (EDU). The classification set forth in the Table For Estimating Wastewater Flows shall be used to calculate the estimated wasteload allocations or capacity and for determining the number of EDU's.

(b) The owner, lessee, or developer shall pay the SAF according to the following schedule:

(1) PLATS - OUTSIDE CITY LIMITS - one-third (1/3) of the SAF, upon the execution by the City of a subdivision plat for all or part of the real estate to which the City is providing sewer service located outside the City Limits, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

(2) DEVELOPMENTS - INSIDE CITY LIMITS - either:

(a) one-third (1/3) of the SAF, upon the execution by the Greenwood Board of Public Works and Safety of a secondary plat for real estate located inside the City Limits or being annexed, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

(b) one-third (1/3) of the SAF, upon the later of (i) the approval by the Greenwood Plan Commission of a commercial site plan for real estate located inside the City Limits or being annexed or (ii) the acceptance of performance or maintenance bonds for public sanitary sewer improvements, if any, with the site plan approval, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

(3) OTHER DEVELOPMENTS - INSIDE OR OUTSIDE CITY LIMITS - one-third (1/3) of the SAF, upon an approval by the Greenwood Board of Public Works and Safety for sewer service or a reservation of capacity, if none of the above applies, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

(4) MISCELLANEOUS - all of the SAF, upon an application for a sewer connection permit when no portion of a SAF has been paid for said connection of the real estate; or

(5) CLASSIFICATION CHANGE - all of the SAF, upon the application for a remodeling or like permit or from an increased or changed use on the real estate resulting in a greater classification of estimated wastewater flows; or

(6) PROJECTED CLASSIFICATION CHANGE - the balance of the SAF, upon the application for an occupancy permit for real estate in which the provided projected wasteload allocation is less than the estimated wasteload allocation upon occupancy. The balance of a SAF due shall mean the amount due based upon the estimated wasteload as outlined in this Section and the SAF in existence at the time payment is due to be made. The Board shall be permitted to round figures so to express the SAF in whole dollars.

(c) Equivalent Domestic Unit (EDU); Table of Estimated Flow; SAF Calculation.

(1) One EDU is equivalent to the estimated average daily sewage flow for a standard single family residence within the City's sanitary sewer system, which is three hundred and ten (310) gallons per day (gpd).

(2) For purposes of determining the estimated average flow in gallons per day for users other than a standard single family residence and for purposes of calculating the SAF, the number of EDU's for a user, other than a standard single family residence, shall be determined according to the table below, which estimated flow shall be divided by three hundred and ten (310) gpd to derive the number of EDU's and to calculate the resulting SAF:

TABLE FOR ESTIMATING WASTEWATER FLOWS

<u>TYPE OF ESTABLISHMENT</u>	<u>ESTIMATED FLOW</u> (gallons per day)
Agricultural Labor Camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Apartment	200 per one-bedroom 300 per two-bedroom 350 per three-bedroom
Assembly Hall	3 per seat
Bar (without food service)	10 per seat
Beauty Salon	35 per customer
Bowling Alley	
a. with bar and/or food	125 per lane
b. without food service	75 per lane
Bus Station	3 per passenger
Campground	
Organizational	
a. with flush toilets	40 per camper
b. without flush toilets	20 per camper
Recreational	
a. with individual sewer connection (independent)	100 per campsite
b. without individual sewer connection (dependent)	50 per campsite
Church	
a. with kitchen	5 per sanctuary seat
b. without kitchen	3 per sanctuary seat
Condominiums	200 per one-bedroom 300 per two-bedroom 350 per three-bedroom
Correctional Facilities	120 per inmate
Day Care Center	20 per person
Dentist	750 per chair plus 75 per employee
Factory*	
a. with showers	35 per employee
b. without showers	20 per employee
Food Service Operations	
Cocktail Lounge	35 per seat
Restaurant (no 24 hour)	35 per seat
Restaurant, 24 hour	50 per seat
Restaurant, 24-hour, along Interstate	70 per seat
Tavern	35 per seat
Curb Service (drive-in)	50 per car space
Hospital, medical facilities	200 per bed
Hotel	100 per room
Kennels	20 per animal enclosure

TABLE FOR ESTIMATING WASTEWATER FLOWS

<u>TYPE OF ESTABLISHMENT</u>	<u>ESTIMATED FLOW</u> (gallons per day)
Mental Health Facility	100 per patient
Mobile Home Park	200 per lot
Motel	100 per room
Nursing Home	100 per bed
Office Building	20 per employee
Outpatient Surgical Center	50 per patient
Picnic Area	5 per visitor
School	
Elementary	15 per pupil
Secondary	25 per pupil
Service Station (Gas Station)	400 per restroom
Shopping Center	0.1 per square foot of floor space, plus
Swimming Pool Bathhouse	10 per swimmer
Theater	
a. Drive-in	5 per car space
b. Inside Building	5 per seat

If there is not appropriate estimated flow classification listed above, then the Board of Public Works and Safety or its designee shall determine the estimated average flows based upon good engineering judgment and reasonable information.

*Includes domestic waste load estimates only. This does not include process water use in the industrial operation. The SAF, for the process water, will be initially determined by using engineering data and judgment. The Board of Public Works and Safety shall have the right to reevaluate process water usage at any time within the twenty-four (24) months following the issuance of a certification of occupancy upon a review of additional information such as actual water usage.

(d) The SAF Infrastructure and Capacity Fund (hereinafter "SAF Fund") is hereby created and all the revenues generated by the SAF shall be deposited in said fund. All interest earned on monies in the SAF Fund shall be credited to said fund. The SAF shall not be considered as net revenues of the sewer works and may be expended for designated infrastructure, capital projects and the associated professional services necessary for said capital projects to provide the City with additional capacity. The Board may utilize the monies in the SAF Fund to pay debt service on bonds issued to finance designated infrastructure, capital projects, the associated professional services necessary for said capital projects to provide the City with additional capacity, and to pay direct administrative expenses associated with establishing or operating the collection of the SAF.

(e) The SAF paid may be refunded to the owner, lessee, or developer who paid the SAF, in the amount paid, less a reasonable fee to cover the Board's and its staff's administrative costs, if the approvals for the project expire or the sewer service agreement becomes void because the sanitary sewer facilities are not timely constructed or accepted.

(f) The Board of Public Works and Safety is hereby authorized to review the SAF required by this Section in the Fall of 1998 and every two (2) years thereafter. Any such review shall be conducted by (i) a firm of certified public accountants and a firm of consulting engineers or employees of the City, or (ii) officers or employees of the City. (Ord. No. 96-47, § 1, 12-16-96; Ord. No. 97-42, § 31, 11-17-97)

Sec. 9-132 Allowance for Credit for Sewer Availability Fee (SAF).

(a) If, when the determination that a SAF is due, the owner, lessee or developer of any real estate, or a related or affiliated entity or group, who owes the SAF fee (hereinafter “Fee Payer”) is obligated to construct and dedicate to the City a sanitary sewer or other facilities designated by City, or is an equivalent or better alternative or addition for which a portion of the SAF is due (hereinafter “the INFRASTRUCTURE”), the Fee Payer may file a request for a credit towards the total SAF due under this Chapter. No credit will be entertained or made unless the request for a credit is filed in writing with the Board of Public Works and Safety (hereinafter “the Board”) at least ten (10) days prior to the date the first portion of the SAF is due without the prior approval of the Board at a public meeting. The amount of the credit towards the SAF shall be determined by the Board. The Board may credit the Fee Payer for the cost of the INFRASTRUCTURE being provided to the City by the Fee Payer and shall be rounded so its expressed in whole figures. In no event shall a SAF credit exceed the SAF determined to be due.

(b) **Appeal Procedure:** If, in the opinion of any Fee Payer, the amount of the credit is disputed, the Fee Payer shall have the right to contest said calculation in the following manner:

(1) The Fee Payer shall file a petition to appeal the amount of the credit, which shall be returned to the City Engineer or his designee with a copy of an engineering report or other verifiable documentation supporting the Fee Payer’s claim.

(2) Upon review of the Fee Payer’s claim, the City Engineer or his designee shall render a written determination that either the original calculation should be affirmed or the Fee Payer should be assigned a new credit figure. The City Engineer’s determination is subject to review by the Board.

(3) If the Fee Payer receives a new figure for the credit which is greater than the original amount assigned to such Fee Payer, the Fee Payer shall be credited accordingly and any amount over paid refunded. If the Fee Payer’s petition is denied, said opinion shall be forwarded to the Fee Payer by certified mail, return receipt requested. The Fee Payer shall then have seven (7) days from date of receipt to request a reconsideration by the Board. The Fee Payer shall submit a copy of the original petition and supporting documents to the Board and any additional facts concerning the dispute. The City Engineer shall submit a copy of the determination denying the Fee Payer’s claim, along with any supporting documents.

Thereafter, the Board or its designated hearing officer, shall conduct, as soon as practicable, an informal hearing to determine and resolve the dispute based upon the documentation submitted and oral testimony of the Fee Payer. The Board or its hearing officer shall render a written decision at the close of the hearing or within thirty (30) days thereafter. The determination by the Board or hearing officer shall constitute the final administrative determination and shall be binding on both parties. The hearing shall be electronically recorded. A transcript of the hearing shall be provided at the cost incurred by the City.

(4) A party or person aggrieved by the final administrative determination shall have the right to a judicial review of such determination in accordance with the provisions of the Indiana Administrative Adjudication Act.

(5) Dispute or appeal of the amount of credit attributable to a Fee Payer shall not be a valid reason for non-payment of the SAF.

(6) If the Fee Payer does not prevail upon his appeal, the Fee Payer shall pay all costs incurred by the City. (Ord. No. 96-47, § 2, 12-16-96)

Sec. 9-133 Board of Public Works and Safety to Make Rules and Regulations for SAF and Related Matters.

The Board of Public Works and Safety is hereby authorized to make rules and regulations for the determination, processing, implementation and collection of the SAF and allowances for a credit, which includes, but is not limited to, establishing procedures and approving forms and agreements for the SAF and allowance for a credit. (Ord. No. 96-47, § 3, 12-16-96)

Sec. 9-134 Establishment of Fees for Sanitary Sewer Plan Review, Sanitary Sewer Main Inspection and Testing and City's Contract Attorney.

(a) The Board of Public Works and Safety is hereby authorized to enter into a contract with one or more consulting engineers (hereinafter "the Independent Engineer") to perform the City's sanitary sewer design plan review and related services needed to determine if (1) sewers proposed to be dedicated to the City as part of a development project should be accepted by the Board of Public Works and Safety, or (2) there is a proposed new connection to the City's sanitary sewer system, or (3) special circumstances require the City to conduct a special review. The owner, lessee or the developer of real estate presenting development plans and/or requesting sanitary sewer service from the City of Greenwood shall pay and the Board shall collect a non-refundable Two Hundred Seventy Dollar (\$270.00) application fee plus such additional fees as to fully pay for or reimburse the City for the fees of the City's consulting engineer on the project. The Sanitary Sewer Plan Review Fee shall be equal to the fees to be paid to the Independent Engineer under the terms and conditions as set forth in the agreement between the Independent Engineer and the Board of Public Works and Safety and the nonrefundable application fee. This fee shall not be due for a single residential user request, unless the Board of Public Works and Safety determines that special circumstances require the City to conduct a special review of sanitary sewer capacity or other engineering matter.

(b) The Greenwood Sanitation Department, by its employees or the Board of Public Works and Safety through a contractual arrangement with one or more consulting firms, shall provide inspection and material testing services on the construction of sanitary sewer mains, appurtenances and facilities by other entities to ensure that the construction is done in accordance with the City's policies and procedures and that it will result in the acceptance by the Board of Public Works and Safety of such facilities or an acceptable connection to the City's sanitary sewer system.

(1) When the Board of Public Works and Safety performs said inspection and testing services by its own employees, the owner, lessee or developer of the real estate shall pay and the Board shall collect a fee for said services in the amount of Thirty-Five Dollars (\$35.00) per hour, or quarter-hour portions thereof, for the time its employees perform said services.

(2) The Board of Public Works and Safety is hereby authorized to enter into a contract with one or more consulting firms for such inspection and material testing services. When a consulting firm performs said inspection and testing services under a contract with the Board of Public Works and Safety, the owner, lessee or developer of the real estate shall pay and the Board shall collect a fee for such services in the hourly amount due the consulting firm under its contract with the Board of Public Works and Safety plus ten percent (10%) of the per hour rate for each hour that services were performed on the project, which percentage represents an additional amount for the City's administrative costs.

(3) These fees shall be due notwithstanding any language in any other ordinance to the contrary.

(c) The Board of Public Works and Safety is hereby authorized to enter into a contract with one or more consulting attorneys (hereinafter "the Contract Attorney") to perform the City's legal preparation or review of sanitary sewer service agreements, including 15 Year Law agreements, and other related legal services, including, but not limited to, those legal services needed to determine whether the project is one the City desires, whether the sewers constructed pursuant to the sewer service agreement should then be accepted by the Board of Public Works and Safety, whether there is a proposed dedication of sewers, whether the sewers constructed are located within appropriate easements, whether there has been an acceptable connection to the City's sanitary sewer system, and the like. The owner, lessee or developer of the real estate shall pay and the Board shall collect from the owner, lessee or developer of the real estate presenting development plans and requesting sanitary sewer service from the City of Greenwood, a deposit of Five Hundred Dollars (\$500.00) and such additional fees as to fully pay for or reimburse the City for the fees of the City's Contract Attorney on the project. The Contract Attorney Fee shall be equal to the fees to be paid to the Contract Attorney under the terms and conditions as set forth in the agreement between the Contract Attorney and the Board of Public Works and Safety plus ten percent (10%) of the per hour rate for each hour that services were performed on the project which represents the additional amount for the City's administrative costs. This fee shall not be due for a single residential user request unless the Board of Public Works and Safety determines that special circumstances require the City to conduct a special legal review prior to the grant or approval of sanitary sewer service.

(d) The Board of Public Works and Safety is hereby authorized to make rules and regulations for the implementation, processing, and collection of each of the fees set forth in this Section, which include, but are not limited to, establishing procedures and approving forms and agreements.

(e) These fees shall not be effective for persons who have already entered into donation agreements or inspection and testing agreements with the City for the particular project prior to January 1, 1997.

(f) The fees established in this Section shall not be considered net revenues of the Greenwood Sewage Works. (Ord. No. 96-47, § 4, 12-16-96)

Sec. 9-135 Critchfield Area Surcharge.

Critchfield Area users shall pay in addition to the rates and charges set forth in this Chapter a monthly surcharge of Fifty-Three and Forty-Four Cents (\$53.44) for the costs of providing sewer service; this surcharge is based upon the following per household rates for the costs incurred in the provision of sewer service:

<u>Cost:</u>	<u>Per Household Share</u>	<u>Monthly Rate*</u>
Construction	\$4,870.87	\$20.30
Engineering	341.30	1.42
Inspection and Testing	63.91	.27
Connection Fee	600.00	2.50
Sewer Availability Fee	1,490.00	6.21
Additional City Sanitation Construction Costs	119.57	.50
Professional Services	282.61	1.18

Interest, as amortized on the attached Exhibit A “Schedule of Amortization,” which is incorporated herein.

*Represents the average monthly payment, and does not represent the amount applied to principal each month.

Said surcharge shall be paid monthly until such costs are recovered in full and may be paid in full at any time without penalty, by paying the remaining balance as determined by the Greenwood Board of Public Works and Safety.

Sec. 9-136 Critchfield Area Surcharge Review.

The “Critchfield Area Surcharge” shall be reviewed every two (2) years to determine and ensure that only the cost to construct and provide sewer service, the interest, the sewer availability fee, and the connection fee is being recovered from the users in the Critchfield Area. The “Critchfield Area surcharge” may be adjusted either downward or upward based on this review.

Sec. 9-137 Effective Date of Critchfield Area Surcharge.

Except as otherwise provided, the charges as herein set forth shall become effective with the first billing issued after November 1, 2000.

Sec. 9-138 through 9-149 Reserved for Future Use.

****Pages 725 through 751 Reserved for Future Use.**